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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,968	09/26/2001	Zhenyu Gao	USP1664A-ZYG	5187
20995	7590	06/13/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			PYZOSHA, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,968

Applicant(s)

GAO, ZHENYU

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>20060607</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

1. Claims 13-28 are pending.
2. Amendment filed 05/16/2006 has been received and considered.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groshon et al (US 6351811), in view of Korn (US 6880083), in view of Blickenstaff et al (US 5537585) and further in view of Nielson (US 5812398).

As per claim 13, Groshon et al discloses a public web server (figure 1 number 210) authentication checking, decrypting and sending a safe-web-file, wherein when a web visitor's request is received, said public-web-server computer checks said safe-web-file that if said safe-web-file is not altered, deleted or replaced, said public-web-server computer sends back said web-content decrypted from said safe-web-file to said web visitor with http or other protocol; the use of a firewall and the use of servers (see column 4 line 47 through column 5 line 9).

Groshon et al fails to disclose encrypting the web files, the recovery being automatic, and the firewall being between the server and the backup.

However, Korn teaches encrypting web files (see column 2 lines 25-38), Blickenstaff et al teaches automatic recovery system (see column 3 lines 22-44), and Neilson teaches a firewall between a server and its backup (see column 4 lines 4-14).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Korn's encryption and Blickenstaff et al's automatic recovery system and Neilson's firewall in the protection system of Groshon et al.

Motivation to do so would have been to create a secure script (see Korn column 1 lines 55-58), to provide disaster recovery (see column 3 lines 22-44), and to prevent unauthorized access from computers outside the computer system (see Neilson column 4 lines 4-14).

As per claim 15, the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system discloses a real-time-check module used on said public-web-server computer for linking to a decryption module of said authentication check means to said web server, wherein said decryption module is able to be

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controlled by events of request received from said web visitor though http protocol (see Korn and Groshon as applied above).

As per claims 16, the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system discloses the use of symmetric key encryption (see Korn figure 1 number 107).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system as applied to claim 13 above, and further in view of Bianco (EP 0467239).

As per claim 14, the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system fails to disclose chaos encryption.

However Bianco teaches such chaos encryption (see Abstract).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the chaos encryption of Bianco in the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system.

Motivation to do so would have been to protect the files from unauthorized modification (see Abstract).

6. Claims 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system as applied to claim 1 above, further

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in view of Menezes et al (Handbook of Applied Cryptography) and further in view of Thomson (US 5276874).

As per independent claims 18 and 22, the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system discloses the limitations as in claim 13, but fails to disclose the files further including a header which includes a MAC and properties including name, size, date, and location.

However, Thomson teaches a header with the claimed properties (see column 2 lines 23-34) and Menezes et al teaches a MAC (see page 323).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Thomson's header in the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system and to include Menezes et al's MAC using the Chaos encryption key as the key in Menezes et al's MAC in the header.

Motivation to do so would have been to store information relating to a file and to ensure the integrity of the file.

Claims 19-20, 23-24, 27 are similarly rejected as to claims above.

As per claims 16-17, 25-26, Menezes discloses the use of DES (see page 250).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art for the encryption scheme to be DES.

Motivation to do so would have been that it is recognized worldwide.

As per claims 21 and 28, Menezes discloses the use of MD5 (see page 250).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the MAC to be MD5. Motivation to do so would have been that it has widespread use.

Response to Arguments

7. Applicant's arguments with respect to claims 13-28 have been considered but are moot in view of the new ground(s) of rejection. Specifically that the system fails to teach a firewall between the two servers.

8. Applicant's arguments filed 05/16/2006 have been fully considered but they are not persuasive. Applicant argues: Blickenstaff does not teach or suggest protection of private web content; Korn teaches detection of a problem at the wrong place and at the wrong time; Bianco does not teach encryption to protect web content; Examiner has used hindsight to make the rejection; and the award received shows non-obviousness.

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With respect to Applicant's arguments towards Blickenstaff and Bianco, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Also, Blickenstaff is not relied upon for a teaching of protecting web content, it is relied upon for the teaching of automatic recovery and Bianco is not relied upon for teaching the encryption of web content, it is relied upon to teach the specific encryption technique.

With respect to Applicant's argument that Korn teaches detection of a problem at the wrong place and at the wrong time, Korn teaches that the test for tampering is done, "before executing or causing to execute the script" therefore when combined with the Groshon reference, this occurs at the server before sending of the content, which is "before executing or causing to execute the script".

With respect to Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at

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the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

With respect to Applicant's argument that the award received shows non-obviousness, according to 37 CFR 1.132, "When any claim of an application or a patent under reexamination is rejected or objected to, any evidence submitted to traverse the rejection or objection on a basis not otherwise provided for must be by way of an oath or declaration under this section." Therefore, to consider this evidence, it must be properly submitted in an oath or declaration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
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